



# THE MAINE CEO

A PERIODIC NEWSLETTER FOR  
CODE ENFORCEMENT TRAINING & CERTIFICATION  
PROGRAM INFORMATION

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## EDITOR'S NOTES

The 120<sup>th</sup> Legislative Session is in full swing. Each week has brought hearings and work sessions on proposed legislation, some of it affecting the field of code enforcement. Listening to the testimony presented during the hearings was very enlightening. It provided an inside look at how people think about code enforcement and what they think about it. The impact of this drove home the point that CEOs already have numerous and varied duties and that people wish to add more to the workload. With a few exceptions, the public views the work of code enforcement officers as important. If they didn't think this way they wouldn't look to CEOs for help as often as they do. This is because the public views the CEO as a "protector" of both the natural and built environments. During the hearings attended, in only one instance was the quality of a CEO's decision-making ability criticized. This particular testimony related to a CEO's failure to properly interpret the sub-division regulations. At the end of the public testimony, to the credit of all CEOs, a member of the legislative committee defended the work of code officers. This member was a retired town manager.

If only some of the proposed code-related legislation becomes law your workload will very likely increase. There are several growth management proposals that will also affect code officers, especially those with planning duties. As this building construction season takes off, the thought of additional duties and responsibilities may not be very appealing. If these proposals come to pass they will also affect the CEO Training Program. New duties and responsibilities for CEOs means the training program must gear-up to meet the challenge. This will require additional funding that is in short supply right now. Facing these challenges requires patience and determined effort. For CEOs the new duties mean increased responsibilities. If the added work enhances the services you provide or improves the level of public safety then perhaps it is a good thing. The lesson here is that we all must closely monitor proposed legislation and the affect it can have on our work.

## **MBOIA SPRING MEETING**

On March 29<sup>th</sup> the Maine Building Officials & Inspectors Association held their Spring Meeting at the Martindale Country Club in Auburn. In addition to a general meeting of the membership and lunch, training was also offered. The training was comprised of 30-minute presentations by representatives from the Division of Health Engineering, State Fire Marshal's Office and the Dept. of Environmental Protection. The training covered updates on: eating and lodging licensing, shore-land zoning, subsurface wastewater disposal, and the life safety code. The meeting was well attended and comments from attendees indicated they thought the training was very useful. MBOIA is a statewide professional association with interests in building standards regulation and code enforcement. Anyone interested in joining the association should contact Jonathan Champagne, the MBOIA Secretary, at 892-1901.

## **UPCOMING WORKSHOPS**

In May, we will offer specialized training from FEMA for CEOs of coastal communities with *velocity zones* designated on their flood maps. The workshop deals with "construction standards in the coastal floodplain." On June 5<sup>th</sup> we are offering a one-day, basic training session on "floodplain management" to be held in the Augusta area only. Also during the month of June, we will offer four workshops on "hazard trees in the shore-land zone." The hazard tree workshop should be especially useful for those CEOs who are seeing increased residential development along the coastal shoreland and around the more desirable inland lakes. These workshops will include a classroom session in the morning and a field exercise in the afternoon. It is highly recommended that you plan to bring a lunch that day and come prepared for outside activity. Announcements and registration forms are included with this newsletter.

## **LEGISLATIVE UPDATE**

The 120<sup>th</sup> Maine Legislature is in full swing and during this time we intend to provide CEOs and LPIs with updates on proposed legislation and all new session laws that may affect your work. Please be aware that during the legislative session things happen quickly, by the time you receive this newsletter much may have happened regarding legislative initiatives. If all goes according to schedule the Legislature will wind up this session by the end of June.

### **LD 65**

This proposal would require that elevators in new public buildings be large enough to allow the transport of a person on an ambulance stretcher in a fully supine position without having to lift, lower or bend the stretcher in any way.

### **LD 249**

This proposal would change the administrative rule-making process used to officially adopt a plumbing code from the existing "routine technical rules" to "major substantive making rules." In effect, the rule-

authority of the Plumber's Examining Board would be amended so that final approval of a proposed code would require a vote of the legislature. The committee considered this bill (as well as LD 682) and voted this bill "ought to pass, as amended."

### **LD 274**

This proposal permits a boarding house, lodging house or apartment building of 3 stories or less, in its entirety, to have a single exit from each story if it has an approved automatic sprinkler system, meets the requirements of the Life Safety Code, and every sleeping room has a second means of escape. Apartment buildings already benefit under law from this provision, but boardinghouses and lodging houses do not. Currently, these two occupancy types, when they accommodate more than 6 persons, must have more than one exit, either protected inside stairways or outside fire escapes. Many "bed & breakfast" businesses would benefit from this legislation.

### **LD 682**

This proposal required the Plumber's Examining Board to adopt the 2000 International Plumbing Code as the State's plumbing code. The Joint Committee on Business & Economic Development held a public hearing on this bill and voted "ought not to pass." (see LD 249 above )

### **LD 1262**

This bill removes the Oil and Solid Fuel Board from responsibility for chimney regulation in the State. It clarifies that the Commissioner of Public Safety or the commissioner's designee, fire chiefs, building inspectors, and code enforcement officers may enforce the standards for chimney installations, etc. It also adopts, by reference, the 2000 version of NFPA 211 – Standard for Chimney, Fireplaces, Vents, and Solid-Fuel Burning Equipment. Under home rule towns may adopt more restrictive guidelines. The jurisdiction of Oil & Solid Fuel Board Compliance Officers will be generally limited to matters related directly to the installation of fuel burning appliances.

### **LD 1331**

This bill is a legislative resolve directing the State Planning Office, in conjunction with a special advisory council, to develop a model building rehabilitation code. The purpose of the model code is to encourage the rehabilitation of existing buildings.

### **LD 1388**

This bill provides that subdivision decisions made by a municipality or by the Maine Land Use Regulation Commission are final and are not subject to judicial review. The bill also provides that the issuance of a building permit creates a conclusive presumption that the lot in question does not create an unapproved subdivision provided that 30 days have elapsed since the issuance of the permit and written notice of the permit application was given to abutters, mortgagors and lien holders.

## **YOUR MAIL**

If receiving information about the CEO training program, as well your annual certification status report, is important to you it is essential that we have your correct address. You may choose to use either your home or work address, but please ensure that we have the correct one in our database. This is especially important as E-911 addressing changes take place. Also remember to contact us if you change employment, move, or retire from code enforcement. Please contact Shelley Brann if you need to advise us of any changes. You can reach Shelley by e-mail at [shelley.brann@state.me.us](mailto:shelley.brann@state.me.us) or by telephone at 287-8064.

## FROM THE COORDINATOR...

### Training Sessions

Over the past three months I have received calls regarding our training schedule and its development. As a rule of thumb, during every calendar year, we try to offer training in each specific area of certification. The exception to this rule is: *Court Rule 80K and Legal Issues & Enforcement Techniques*. We only offer these two courses every other year. For example: Legal Issues this year, 80-K the next year, then Legal Issues, then 80-K, and so on. Overall, the focus and frequency of specific CEO training is influenced by new legislation, case law and current events. Where possible, our schedule rotates between introductory-level and advance-level courses. For example: If we offered *Basic Shoreland Zoning* in 2000 it would not be offered again until 2002. However, we could choose to run an advance-level course such as *Hazard Trees in the Shoreland Zone* in the intervening year, as we did this year.

Acquiring all necessary re-certification credits in the fifth year of a five-year re-certification cycle is virtually impossible. The reason is that most of our courses are one-day sessions and we follow a system of course rotation. For those individuals preparing for examinations, the program maintains a video lending library of past workshops. Training manuals are also available for home study. The program is in the process of developing study guides and training courses that will be accessed via the program's web site. These training tools are still in the development stage and should be available by the end of the year. We are also exploring a partnership with the technical college system.

**Reminder:** Keep cell phones and pagers on silent alarm. Limit conversations to break time during training sessions. Thank you in advance.

LC

## QUESTIONS & ANSWERS...

**Q:** The 2000 Census data shows that the town's population has passed the 2,000 mark. I seem to remember hearing or reading something regarding a town's population size and the need for a building inspector. Where can I find this rule.

**A:** Yes, in the State statutes. If you locate Title 25 MRSA § 2351 (also referred to as Chapter 313) you will learn that every town and city of more than 2,000 inhabitants shall have an appointed building inspector. In addition, any town or city of less than 2,000 may choose to appoint a building inspector, if so decided by a formal vote. Chapter 313 also empowers the municipal officers to determine, if they so choose, any jurisdictional limits of the building inspector, except that they must include the thickly settled portion of the municipality. Also keep in mind that Title 30-A MRSA § 4451 requires that any person having responsibility for enforcement under Chapter 313 must be certified in the area of "building standards" as a code enforcement officer.